

Docket No.: 00-8024 RCE2

REMARKS**I. Introductory Comments**

Claims 1-14, 16, 18-24, and 26-30 were pending in the application. In the Office Action, the Examiner finally rejected: (1) claims 1-5, 8-12, 16, 21-24, and 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0137945 (hereinafter "Takagi") combined with U.S. Patent No. 6,529,602 (hereinafter "Walker") and further in view of U.S. Patent Application Publication No. 2003/0032447 (hereinafter "Bulthuis"); (2) claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over the combination of Takagi, Walker, and Bulthuis, and further in view of U.S. Patent Application Publication No. 2002/0160751 (hereinafter "Sun"); (3) claims 7, 14, 18, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over Takagi combined with Walker, Bulthuis, and Sun and further in view of U.S. Patent No. 6,072,860 (hereinafter "Kek"); and (4) claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Takagi combined with Walker, Bulthuis, Sun, and Kek, and further in view of U.S. Patent Application Publication No. 2003/0012346 (hereinafter "Langhart").

No amendments have been made in this paper. Therefore, claims 1-14, 16, 18-24, and 26-30 remain pending in the application. For the following reasons, Applicants respectfully request favorable reconsideration of the presently pending claims. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserve the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

II. Rejection of Claims 1-5, 8-12, 16, 21-24, and 30 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, and Bulthuis

Concurrently with this paper, Applicants have filed a Declaration pursuant to 37 C.F.R. 1.131 ("Rule 131 Declaration") signed by one of the inventors listed on the application and an accompanying exhibit ("*Exhibit A*"). By submission of *Exhibit A*, neither the Applicants nor the assignee of the patent application intend to waive their respective attorney-client privileges as to the entire invention disclosure record.

Entry and consideration of the Rule 131 Declaration and accompanying *Exhibit A* are proper under 37 CFR. §1.116 at least because they are responsive to the rejections and the

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response to arguments set forth in the Office Action. Therefore, entry of the Rule 131 Declaration and accompanying *Exhibit A* is hereby requested.

In the Rule 131 Declaration, Mr. Boris S. Elman, who is listed as a co-inventor on the present patent application, declares that he, together with Jesse Hefter, the other co-inventor listed on the application, conceived of the claimed invention prior to February 27, 2001. *Exhibit A* is a copy of a text document that was created by Mr. Elman and Mr. Hefter prior to February 27, 2001. *Exhibit A* provides further factual evidence that Mr. Elman and Mr. Hefter conceived of the claimed invention before February 27, 2001.

In the Rule 131 Declaration, Mr. Elman also declares that he, together with Jesse Hefter, worked toward reducing the claimed invention to practice from prior to February 27, 2001 until a filing of the present patent application with the U.S. Patent and Trademark Office by, *inter alia*, working with legal counsel for the original assignee of the present application in preparing and filing the patent application, including, at least, (1) reviewing and providing comments on several draft specifications for the patent application during that time period, (2) reviewing and providing comments on several draft sets of drawings for the patent application during that time period, (3) reviewing a final draft of the specification and a final draft of the drawings towards the end of that time period in anticipation of, and with the expectation of, executing formal papers for the filing of the patent application, and (4) executing those formal papers and returning them to the legal counsel towards, or at the end of that time period. These actions were performed over the relevant time period (from prior to February 27, 2001 until the filing of the patent application) and represent diligence in working toward a reduction to practice of the claimed invention.

Moreover, the legal counsel for the original assignee of the patent application worked reasonably hard during the relevant time period to prepare and file the application. This has been held to satisfy the required diligence. *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986). See also, MPEP §2138.06.

The evidence set forth in the Rule 131 Declaration and *Exhibit A* is more than sufficient to establish conception of the claimed invention in this country prior to February 27, 2001 and diligence in reducing the claimed invention to practice during the time period from prior to February 27, 2001 until the filing of the application.

The Bulthuis reference has a filing date of August 10, 2001, a mere one week earlier than

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the filing date of the present Application. Therefore, based on the Rule 131 Declaration, *Exhibit A*, and the remarks provided above, Applicants have antedated the Bulthuis reference under 37 CFR §1.131. Accordingly, the Bulthuis reference does not qualify as prior art against the application.

Without the Bulthuis reference, the Office Action fails to establish a *prima facie* case of obviousness against claims 1-5, 8-12, 16, 21-24, and 30, especially in view of the Office Action expressly stating that “the combination of Takagi and Walker fails to explain the plurality of data management functions includes a function for translating the two-way conversation data stored in the remote storage device.” Office Action, page 4. Independent claims 1, 8, and 22 include recitations directed to a plurality of data management functions including functions for editing and translating the two-way conversation data. Therefore, the rejection of claims 1-5, 8-12, 16, 21-24, and 30 should be withdrawn.

III. Rejection of Claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulthuis, and Sun

Sun does not cure, and the Examiner does not allege that Sun cures, the above-described deficiencies of Takagi and Walker. Therefore, without the Bulthuis reference, the Office Action also fails to establish a *prima facie* case of obviousness against claims 6 and 13, and the rejection of these claims should be withdrawn at least because of their dependencies from independent claims 1 and 8, respectively.

Moreover, the Sun reference has a filing date of April 26, 2001. Therefore, based on the Rule 131 Declaration, *Exhibit A*, and the remarks provided above, Applicants have antedated the Sun reference under 37 CFR §1.131. Accordingly, the Sun reference does not qualify as prior art against the application.

Without the Sun reference, the Office Action fails to establish a *prima facie* case of obviousness against claims 6 and 13, especially in view of the Office Action expressly stating that “the combination of Takagi, Walker and Bulthuis fails to show the secondary device interface is a wireless interface that allows data transfer between the memory and the secondary device.” Office Action, page 9. Claims 6 and 13 include recitations of “wherein the secondary device interface is a wireless interface that allows data transfer between the memory and the secondary device.” Therefore, the rejection of claims 6 and 13 should be withdrawn.

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IV. Rejection of Claims 7, 14, 18, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulthuis, Sun, and Kek

Kek does not cure, and the Examiner does not allege that Kek cures, the above-described deficiencies of Takagi and Walker. Therefore, the rejection of claims 7, 14, 18, 26, and 27 should be withdrawn at least because these claims depend from independent claim 1, 8, or 22.

V. Rejection of Claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Takagi, Walker, Bulthuis, Sun, Kek, and Langhart

Langhart does not cure the above-described deficiencies of Takagi and Walker. Therefore, the rejection of claims 19, 20, 28, and 29 should be withdrawn at least because these claims depend from independent claim 8 or 22.

Moreover, the earliest possible priority date for the Langhart reference is February 27, 2001. Therefore, based on the Rule 131 Declaration, *Exhibit A*, and the remarks provided above, Applicants have antedated the Langhart reference under 37 CFR §1.131. Accordingly, the Langhart reference does not qualify as prior art against the application.

Without the Langhart reference, the Office Action fails to establish a *prima facie* case of obviousness against claims 19, 20, 28, and 29, especially in view of the Office Action expressly stating that “the primary teachings fail to indicate the translating function is conducted by a text translation service that converts at least a portion of the text data from a first language to a second language” and that “the primary teachings fail to indicate the translating function is conducted by an audio translation service that converts at least a portion of the audio data from a first language to a second language.” Office Action, pages 12 and 13. Claims 19 and 28 are directed to the translating function being conducted by a text translation service that converts at least a portion of the text data from a first language to a second language. Claims 20 and 29 are directed to the translating function being conducted by an audio translation service that translates at least a portion of the audio data from a first language to a second language. Therefore, the rejection of claims 19, 20, 28, and 29 should be withdrawn.

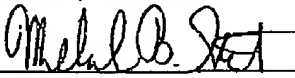
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CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-00041. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Dated:

Respectfully submitted,

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